

**Testimony of  
Barbara R. Gilbert, Rocky Hill Town Manager  
Public Health Committee**

**March 8, 2013**

**Re: Proposed Bill No. 115 “An Act Concerning the Approval Process  
for Residential Nursing Facilities Serving Inmates and Mental Health  
Patients**

I would also like to take this opportunity to thank the Chairs and members of the Public Health Committee for allowing me this opportunity to address them concerning the Bill 115, AN ACT CONCERNING THE APPROVAL PROCESS FOR RESIDENTIAL NURSING FACILITIES SERVING INMATES AND MENTAL HEALTH PATIENTS that is before this Committee this morning.

While enactment of this bill may be too late for the Town of Rocky Hill, it will prevent other communities from having to watch as the health, welfare and safety of their residents is placed in jeopardy. When you read the transcript of the Bidders Conference for the Rocky Hill facility it is clearly stated by the State of Connecticut that they wish to use “an existing building that is properly zoned to accommodate individuals with a full range of past criminal charges.” The State of Connecticut goes on to state that they want to avoid the NIMBY sort of things. They want a place that is existing, and has all the licenses and everything else in place, they don’t want to take the time to go through the “Zoning Thing” as described by the State’s representative Mr. Bannish at the Bidder’s Conference. Yet, they awarded the bid to a company that had to go out and purchase a closed facility in the midst of a residential neighborhood, that had surrendered its license more than two years ago, and they should have had to go through the “Zoning Thing.”

The “Zoning Thing” as the State’s representative like to refer to it, is something that is granted to each and every community within the State; each of the 169 town and cities are granted zoning powers under the “Home Rule Statutes” and in its current format the bill that created these nursing homes completely removes that by going to existing/operating nursing homes ( or what they want to loosely call existing and operating ) with no regard to the community, its impact on the community and the health,

welfare or safety of the residents of the community; especially those located within close proximity of these facilities. Many of the nursing homes that exist today were put in place long before communities developed Zoning Regulations and are grandfathered under Zoning Regulations as long as they continue to operate. Once they cease to operate they cease to be a functioning facility and need to go back to the local zoning boards for approval. Many were built in residential neighborhoods, and many nursing homes are closing as they can no longer afford to operate. When you start placing dangerous criminals into a nursing home you are changing the use, it is no longer a facility that cares for the elderly in the typical manner; it is a facility that cares for a different type of patient (prisoners) who no matter how ill, are still in the custody of the Department of Corrections and present a security risk, especially to families living near the facility, when you add the component of mental illness you add another danger. Local land use boards should have the right to properly review these facilities and determine if they are being placed in the right location, a location that both suits the needs of the criminals and mentally ill patients the state is responsible to care for, and even more importantly the residents in the surrounding area and the community in which the facility is being placed. Just telling a town this is what you are getting is wrong, it violates the town's Constitutional rights to regulate land use and these private companies should not be allowed to ignore local zoning regulations which the towns and cities of the State of Connecticut are authorized to adopt by Statute.

I urge you to please pass Proposed Bill 115 and move it to the full legislature for approval. It is critical to the health, safety and welfare of every resident in the State of Connecticut, as no one knows who will be next for a facility of this type. Each of you should keep in mind the communities you represent could be next and there will be nothing you can do to stop it, without passage of this bill. Protect your community, and protect the residents of the State of Connecticut from losing their right to live in their home and be safe. Please adopt Proposed Bill 115.